IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 31389 of 2006(J)

PETITIONER:

DR.N.SYAMALA,
PROFESSOR, DEPARTMENT OF OBSTETRICS AND
GYNECOLOGY, MEDICAL COLLEGE,
THIRUVANANTHAPURAM, RESIDING AT "KRISHNAKRIPA",
PAZHAYA ROAD, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM- 695 011.

BY ADV. SRI.S.M.PREM

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. PRINCIPAL,
MEDICAL COLLEGE, THIRUVANANTHAPURAM.

4. DR.B.PRASANNAKUMARI,
PROFESSOR, MEDICAL COLLEGE, KOZHIKODE.

R4 BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
R1 TO R3 BY GOVT. PLEADER SRI. T.T.MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 31389/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 :TRUE COPY OF G.O.(RT) NO. 3278/2006/H& FWD DATED 9.11.2006 EFFECTING GENERAL TRANSFERS AND POSTINGS OF PROFESSOR, ASSOCIATE PROFESSOR, ASSISTANT PROFESSOR AND SENIOR LECTURER IN THE DEPARTMENT OF OBSTETRICS AND GUNECOLOGY.

EXT. P2 : TRUE COPYOF G.O.(RT) NO.3387/2006/H & FWD DATED 23.11.2006 ISSUED TRANSFERRING THE PETITIONER FROM TRIVANDRUM MEDICAL COLLEGE TO KOZHIKODE MEDICAL COLLEGE.

EXT. P3 : TRUE COPYOF G.O.(RT) NO.1437/2005/H&FWD DATED 17.5.2005.

EXT. P4 : TRUE COPYOF THE TABULATION STATEMENT PREPARED BY THE 2ND RESPONDENT AND FORWARDED TO GOVERNMENT PRIOR TO THE ISSUANCE OF EXTS.P1 AND P2.

EXT. P5 : TRUE COPY OF THE REPRESENTATION DATED 24.11.2006 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

RESPONDENTS' EXTS:

EXT. R4(a) : TRUE COPY OF THE ORDER NO.E1/15553/2006/MCC DATED 24.11.2006 ISSUED BY THE PRINCIPAL MEDICAL COLLEGE, CALICUT.

EXT. R4(b) : TRUE COPY OF THE ORDER NO.E1/25431/06/MCT DATED 25.11.2006 ISSUED BY THE PRINCIPAL MEDICAL COLLEGE, THIRUVANANTHAPURAM.

EXT. R4(c) : TRUE COPYOF THE G.O.(RT) NO.2091/02/H & FWD DATED 4.9.2002 ISSUED BY THE 1ST RESPONENT.

EXT. R4(d) : TRUE COPY OF THE RECOMMENDATION DATED 21.5.2006 BEFORE THE GOVERNMENT.

EXT. R4(e) : TRUE COPY OF THE RECOMMENDATION DATED 11.7.2006 SUBMITTED BY THE DIRECTOR, SAINIK WELFARE BEFORE THE 2ND RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.31389 OF 2006

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Dated this the 5th day of December, 2006.

JUDGMENT

Petitioner challenges Ext.P2. Ext.P2 is an order by which the petitioner, who was working as Professor of Obstetrics and Gynecology in the Thiruvananthapuram Medical College is transferred to Kozhikode Medical College and in her place the fourth respondent is seen appointed in the Thiruvananthapuram Medical College.

2. Counter affidavit is filed by the fourth respondent seeking to justify the transfer. Petitioner, no doubt, relies on Ext.P3 dated 17.5.2005, by which the fourth respondent came to be posted at Kozhikode Medical College. Petitioner also relies on Ext.P4. Petitioner has any way preferred Ext.P5 before the first respondent.

3. I feel that this is a case where the representation of the petitioner against the transfer ordered in Ext.P2 is to be directed to be considered.

Accordingly, the writ petition is disposed of directing the first respondent to consider and take a decision on Ext.P5 in accordance with law after hearing the petitioner, the fourth respondent, Dr.Sheela

Shenoi and any other affected party. A decision will be taken on Ext.P5 within a period of one month from the date of production of a copy of this judgment. It is open to the fourth respondent to raise all contentions before the first respondent.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.